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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 SAM DONAGHE,

11 Plaintiff,

12 v.

13 PATRISHA LASHAWAY, et al.,

14 Defendants.

CASE NO. 3:16-cv-5973-RJB-JRC

REPORT AND RECOMMENDATION
ON PLAINTIFF'S MOTION TO
DISMISS

NOTED FOR: February 27, 2018

15 Before the Court is plaintiff's Motion to Dismiss Complaint. Dkt. 58. Defendants
16 "stipulate to the dismissal of this action." Dkt. 59 (citing Fed. R. Civ. P. 41(a)(1)(A)(ii)).
17 The undersigned recommends that the Court grant the motion (Dkt. 58) and dismiss the
18 amended complaint (Dkt. 42) without prejudice.

19 **BACKGROUND**

20 On November 1, 2017, defendants filed their answer. Dkt. 53. On February 14,
21 2018, plaintiff filed a Motion to Dismiss as he is to be released and "will no longer be
22 subjected to the civil conditions of confinement at the SCC facility." Dkt. 58, p. 2.
23 Defendants "stipulate to the dismissal of this action." Dkt. 59 (citing Rule 41(a)(1)(A)).
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Rule 41(a)(2) provides, in part, that: “[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2).

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation, grant plaintiff's Motion to Dismiss (Dkt. 58), and issue an Order dismissing this action (Amended Complaint, Dkt. 42) without prejudice.

J. K. Handwritten

REPORT AND RECOMMENDATION ON
PLAINTIFF'S MOTION TO DISMISS - 2